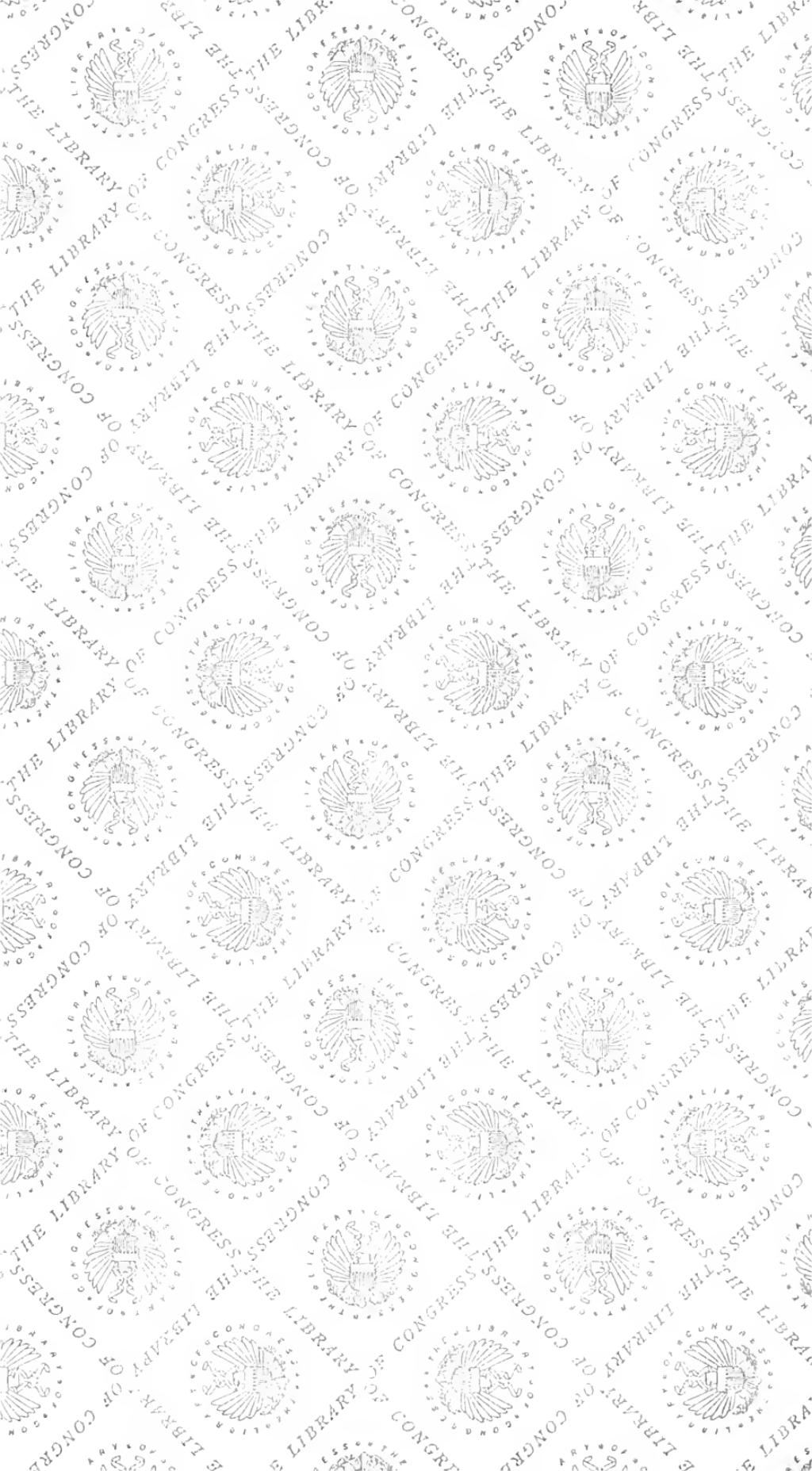


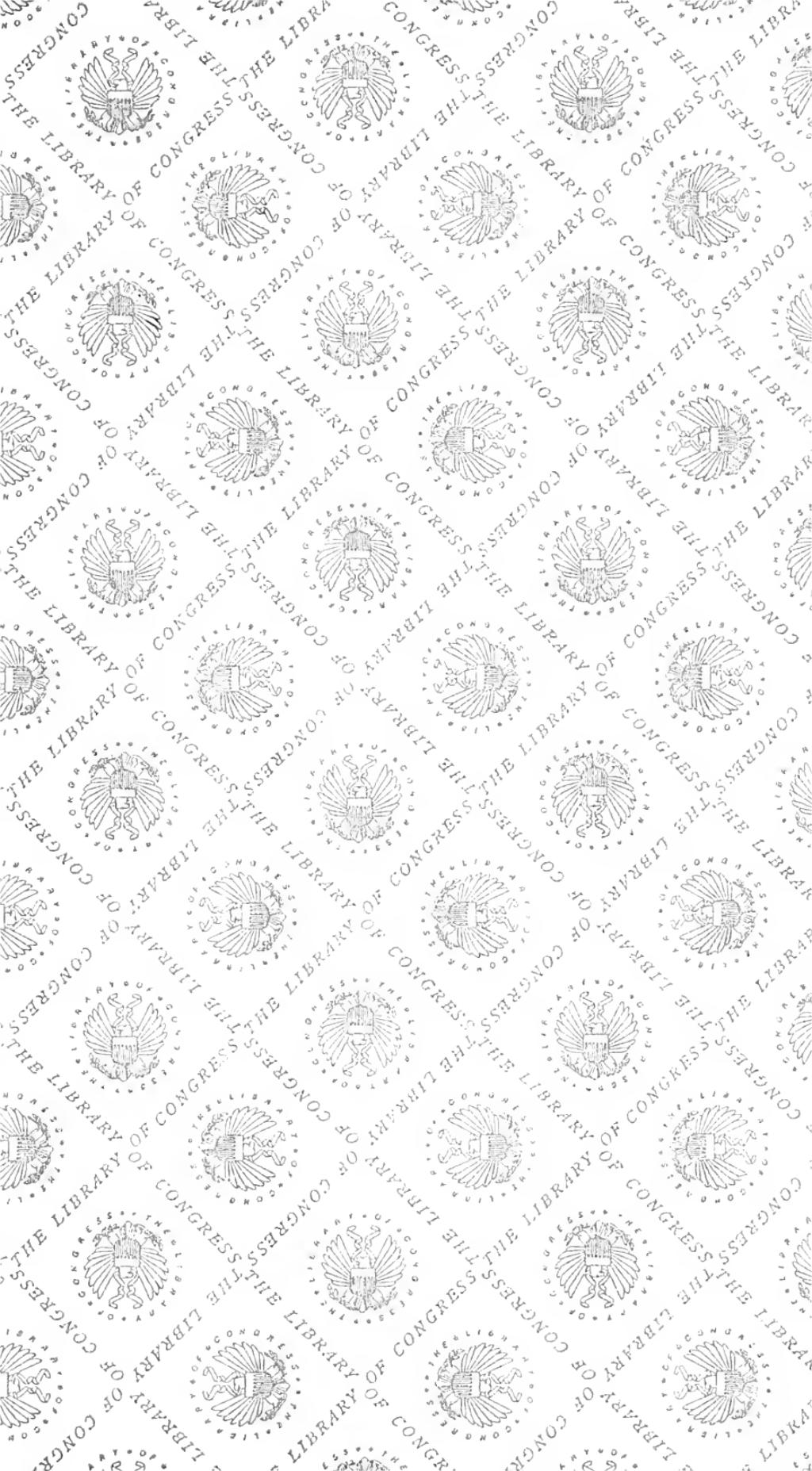
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DID THE

# LOUISIANA PURCHASE

EXTEND TO THE

PACIFIC OCEAN ?

— AND —

# OUR TITLE TO OREGON.

— BY —

JOHN J. ANDERSON, Ph. D.

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# DID THE "LOUISIANA PURCHASE" EXTEND TO THE PACIFIC OCEAN?

BY JOHN J. ANDERSON, PH. D.

U P to the appearance of the United States Census Report of 1870, it was generally understood and believed that the territory acquired from France in 1803, commonly known as the "Louisiana Purchase," extended no further west than the Rocky Mountains. Every author of note, so far as is within the writer's knowledge, who expressed any opinion on the subject, so declared; but since the advent of that report, containing a map as it does in which the "Purchase" is made to extend to the Pacific, several compilers of school histories, adopting the verdict of the map, have asserted that the "Purchase" extended to the Pacific; and this assertion is now found in their books, and is consequently taught as a truth. One author, while adhering to his former statement, that, "What is now the State of Louisiana was but a little part of the vast territory which bore then that name, for this territory extended from the Mississippi to the Rocky Mountains," has inserted in his book an exact copy of the census map referred to, without correcting the second error of the map, which asserts that Texas was ceded to the United States by Mexico in 1848. Need he be told that Texas was "annexed" to the Union in 1845, and was immediately after represented in our National Congress? It is thus seen that while some instructors are teaching that the western limits of the "Louisiana Purchase" did not extend beyond the Rocky Mountains, others are teaching that the limits did not stop short of the Pacific Coast. Whom are we to believe? Both sides cannot be correct. Let us look into the facts.

In the year 1682, the French explorer La Salle descended the Mississippi river to its mouth, taking possession of the country in the name of his king, Louis XIV. In this region the French planted settlements, established missionary stations, and built military posts. Already we come to the important question upon which hinges the solution of the whole matter. What was the extent of the territory not merely occupied but claimed by the French? Parkman, in his "Discovery of the Great West," a work evincing extensive and patient research, says (p. 284): "The Louisiana of to-day is but a single State of the American Republic. The Louisiana of La Salle stretched from the Alleghanies to the Rocky Mountains, from the Rio Grande and the Gulf to the farthest springs of the Missouri." Greenhow, in his "History of Oregon and California" (p. 283), makes a like declaration, and so do all other writers who have given special investigation to the subject.

The French remained in possession of Louisiana till 1762. In November of that year, preliminaries of peace were agreed to at Paris, between France

## THE LOUISIANA PURCHASE.

and Spain on the one side, and England and Portugal on the other, and, by the treaties directly afterward made, France ceded to Spain "all the country known under the name of Louisiana, as also New Orleans and the island on which that city is situated," and Great Britain, a little more than two months later, "received possession of Canada, Florida, and the portion of Louisiana east of the line drawn along the middle of the Iberville river to the sea." Spain thus came in quiet possession of all the region of Louisiana west of the Mississippi and the Iberville. (The Iberville is an outlet of the Mississippi, about fourteen miles south of Baton Rouge). The fact that arrests our attention at this stage of the investigation is that while the treaties made at Paris gave Louisiana a definite boundary on the east, nothing was said of a western boundary. Why was this omission? Greenhow (p. 279), offers an explanation in these words: "With regard to the western limits of Louisiana, no settlement of boundaries was necessary, as the territory thus acquired by Spain would join other territory of which she also claimed possession." The western part of Louisiana it will be noted, joined *other* territory: it did not extend to the Pacific.

During the next thirty-eight years Spain was in possession of Louisiana. In the year 1800, an exchange of territories was effected, Spain, in order to enlarge the dominions of one of her royal princes, transferring to France the province of Louisiana in exchange for certain lands in Italy. The language of the transfer is an important factor in this investigation. "His Catholic majesty," so says the transfer, "engages to retrocede to the French Republic, the province of Louisiana, with the same extent which it now has in the hands of Spain, and which it had when France possessed it, and such as it should be, according to the treaties subsequently made between Spain and other states." Was language ever more explicit? This, certainly, does not look like giving to Louisiana the Pacific Ocean for its western boundary.

We now come to the acquisition of Louisiana by the United States. This was accomplished, as we all know, during Jefferson's administration. It is a matter of history that Jefferson had no purpose of receiving more territory than the island on which New Orleans is situated, and the region commonly known as the Floridas. Randall, in his "Life of Jefferson," expresses the opinion that the president desired to procure the whole territory of Louisiana, but there is not the slightest evidence of this in all the official correspondence of the time. Be that as it may, Napoleon's proposition to sell the whole province, produced a great surprise to the American negotiators in Paris. The purchase was effected on the 30th of April, 1803. Now, the vital question just here is, what did we buy? How large was the purchase? The treaty, or, as we may call it, the bill of sale, itself, will best answer the question. After reciting the third article of the treaty of 1800, the territory thus retroceded to France was, says the bill of sale, "ceded to the United States, in the name of the French Republic, as fully and in the same manner as it had been acquired by the French Republic, in virtue of the above-mentioned treaty with his Catholic majesty." This, and nothing more. "No other description of

boundaries," says Greenhow, "could ever be obtained from the French government." In our negotiations with Spain, commenced at Madrid in 1804, for the adjustment of the lines which were to separate the territories of the two governments, Spain contended "that the Louisiana ceded to Spain by France in 1762, and retroceded to France in 1800, and transferred by the latter power to the United States in 1803, could not, in justice, be considered as comprising more than New Orleans, with the tract in its vicinity east of the Mississippi, and the country immediately bordering on the west bank of that river" (Greenhow, p. 280); and in 1818, up to the close of the long-pending negotiations, now conducted at Washington, Don Onis, the Spanish Minister, firmly reiterated this declaration (Hildreth, Vol. VI., p. 647). On the 12th of March, 1844, Mr. A. V. Brown, from the "Committee on the Territories," made a report in Congress, covering twenty-four closely printed pages, in which this whole question is thoroughly discussed. In all this long report there is not the first attempt to prove that our right to Oregon came to us through the Louisiana Purchase. Witness the language of the report: "The Louisiana treaty cedes to the United States, the province of Louisiana, with the same extent it had in the hands of Spain in 1800, and that it had when previously possessed by France." This description is loose, but Napoleon chose to execute a quit claim rather than a warranty of boundaries. But why did Napoleon so choose? Why did he not give us a deed of the territory to the Pacific? For the best of all reasons. He did not own, nor had he ever owned that extent of territory. He sold us just what he had—nothing more. He wanted the money, for just at that moment he was going to war with England; and we, when the unexpected opportunity came, discovered that we wanted the land he could sell—every inch of it.

In support of the conclusion we have reached, there is abundant testimony, the most of it in the shape of official documents. The correspondence, with accompanying documents consisting of instructions and reports, commencing in the early part of 1823, between John Quincy Adams, Secretary of State, and Richard Rush, Envoy Extraordinary to Great Britain, gives us the first full view of the whole subject. "All the rights of Spain to the western territory north of the forty-second degree of latitude," says Mr. Adams, "were acquired by our treaty with Spain in 1819." The right of the United States," continues Mr. Adams, "to the Columbia River and to the interior territory washed by its waters, rests (1) upon its discovery from the sea, and nomination by a citizen of the United States; (2) upon its exploration to the sea by Captains Lewis and Clark; (3) upon the settlement of Astoria, made under the protection of the United States; and (4) upon the subsequent acquisition of all the rights of Spain." In the long letter of instruction to Mr. Rush, from which we make the foregoing extract, Mr. Adams makes not the slightest allusion to the Louisiana Purchase. Our claim to the Oregon region, in his opinion, rested upon the four titles named. On the 12th of August, 1824, in a long communication covering many pages, Mr. Rush replies to Mr. Adams.

In this communication, Mr. Rush, with great clearness, gives an account of the discussions which he had carried on with the representatives of the British government, but not the first intimation, from beginning to end, is made concerning any claim by reason of the Louisiana Purchase.

We next come to the correspondence between Mr. Clay, Secretary of State, and Mr. Gallatin, Envoy to Great Britain. This commenced in the summer of 1826. Mr. Clay says not a word of the Louisiana Purchase; and Mr. Gallatin, in his able and exhaustive discussion on the subject, as manifested in his letters, and in his celebrated pamphlet of seventy-five pages, published in 1846, makes but the briefest allusion to the Louisiana Purchase. The whole bent of his argument is to show that our title to Oregon came to us through discoveries, exploration, and occupation. Mr. Cushing's report, made to Congress in January, 1839; the books written from the English standpoint, by the English authors, Thomas Falconer, Tavers Twiss, and John Dunn, besides numerous pamphlets, an able article in the *North-American Review* for 1845 (p. 214), as well as presidents' messages, and reports of debates in Congress,—all reviewing and discussing the Oregon Question—have been read by me with care; but nowhere have I seen any attempt whatever to prove that any part of the region west of the Rocky Mountains ever belonged to France, or that France ever made any pretense of conveying it to the United States. The region was no part of the Louisiana Purchase.

I have alluded more than once to the book prepared by Mr. Greenhow, and from it cited passages in support of my statements. Who was Mr. Greenhow? He was for a number of years the "Librarian to the Department of State," Washington, and was employed by the department to translate the Spanish and French documents relating to the history of Louisiana and Oregon, to make researches and report respecting the Spanish, French, English, Russian and American discoveries and explorations of and in the west and northwest territory of North America; and the result of his labors, a book of 492 pages, was published in 1840, by direction of the United States Senate. It was the authority upon which Mr. Buchanan, Secretary of State, based his arguments in his negotiations with Mr. Pakenham, the British Envoy, which terminated in the treaty framed by those gentlemen, and which was adopted in 1846. Mr. Greenhow's book may, therefore, be regarded as the highest authority. His conclusion with reference to our claim to the Oregon regions as based upon the Louisiana Purchase, is summed up in these words (p. 283): "How far Louisiana extended westward when it was ceded by France to Spain, there are no means of determining. The question has never been touched in treaties, or even in negotiations, so far as is known. In the absence of more direct light on the subject from history, we are forced to regard the boundaries indicated by nature—namely, the highlands separating the waters of the Mississippi from those flowing into the Pacific or the California Gulf—as the true western boundaries of the Louisiana ceded by France to Spain in 1762, and retroceded to France in 1800, and transferred to the United States by France in 1803."

## OUR TITLE TO OREGON.

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**I**N a former article we showed that no part of the territory west of the Rocky Mountains was ever any part of the region that came to us from France in 1803. As the "Louisiana Purchase" extended as far west as the Rocky Mountains and no farther, the region beyond, from the forty-second degree of latitude to the forty-ninth, came to us in some other way. In what way it is our present purpose to show.

It is certain that the Spaniards were the first navigators to reach the western coast of North America. Their explorations, begun by Cortez and under his direction, were continued (in 1542) by Cabrillo, who examined the coast as far as the northern limits of San Francisco Bay. The death of Cabrillo occurring while he was engaged in this enterprise, his pilot, Ferrelo, prosecuted the undertaking, reaching the point, as far probably as the forty-third degree of latitude (1543). Soon Spanish galleons crossed the Pacific from Mexico to the Philippine Islands and China, and returning, were compelled, by reason of the easterly or trade winds in the lower latitude, to take a northward course. In consequence, they often struck the North American coast far to the north of Mexico, in one case, it is asserted, beyond the fifty-seventh degree.

Up to 1575 no English vessel had been in the Pacific. In that year a party of English freebooters, commanded by John Oxenham, crossed the Isthmus of Darien, built a small vessel, launched it on the Pacific, and for several months pursued a career of piracy, Spanish vessels, of course, being the victims. At length they were captured, and, with few exceptions, hung. Three years later their fate was avenged by the "splendid pirate," as Bancroft calls him, Francis Drake. Entering the Pacific by way of the Straits of Magellan, Drake plundered the Spanish settlements on the west coast of America, captured, pillaged, and destroyed Spanish vessels; and then, surmising that the people whom he had so cruelly treated were making preparations to intercept him on his return, resolved to make an attempt to reach England by sailing across the Pacific and around the northern part of Asia and Europe. After sailing in a north-westerly direction for several weeks, and encountering cold and violent rains, he put back to the American coast. Abandoning the attempt northward, from San Francisco Bay or the Bay of Bodega—it is not certain which—he made his second, and, as it proved, successful departure. What extent of coast Drake saw is not known. He never made any report, either by journal or other writing; but it is certain what he did see had been previously seen by the Spaniards.

For a period of nearly two hundred years, if we except a voyage made by Vizcaino, in 1603, under instructions from King Philip II, of Spain, no

attempts were made to explore any part of the north-western coast of North America. Vizcaino's explorations extended to the forty-third parallel of latitude; and till 1774 nothing was known with certainty of any part of the coast further north as far as Alaska. Then, by direction of the Spanish king, four exploring voyages were sent in quick succession from Mexico, and the coast as far north as the fifty-sixth degree of latitude was carefully examined (1774-1779). Up to this time and until 1790, Spain's claims to the western side of America as far north as Alaska had at no time been called into question. Important explorations, however, had been made on the extreme north-western part of the continent on behalf of the Russians. Behring's Straits had been entered by the daring navigator whose name it still bears, and between 1741 and 1770, the whole of the Alaska coast, down to its southmost point, was explored.

We have noticed the voyage made by Francis Drake (1577-1580). No further explorations were made by the English in the North Pacific for a period of about two hundred years. Then the celebrated Captain Cook appeared upon the ocean. It was believed at that time that there existed a passage connecting Hudson's Bay with the Pacific. Cook's object was to find it. He entered the Pacific, doubling the Cape of Good Hope, and in January of 1778, discovered the Sandwich Islands. Steering eastward he reached the American coast, and traced it more than 2000 miles, but as the same had already been explored by the Spaniards or Russians, no claim, on the ground of first discovery, could be accorded to him. Other voyages were made to the coast by Russians as well as Englishmen, their object, in most cases, being for furs; but none of them were of any importance as respects our present investigations. We now come to the facts upon which the government of our country based its claim to the Oregon region. By this term—the Oregon region—we mean all the domain west of the Rocky Mountains now included in the State of Oregon and the territories of Washington and Idaho.

In the latter part of 1787, the ship Columbia, commanded by John Kendrick, and the sloop Washington, commanded by Robert Gray, sailed from Boston. They were laden with an assortment of "Yankee notions," the vessels and cargos being owned by a company of Boston merchants, whose object was to open a trade for furs along the north-west coast of North America, and to combine this with a trade to China. Both commanders were provided with letters in conformity with a resolution of Congress, and also with friendly letters from the Spanish minister in the United States. Soon after passing around Cape Horn, the two vessels were separated by a violent storm, but succeeded in joining each other again in Nootka Sound on the west of Vancouver's Island, where they remained till the spring of 1789. During the summer of that year, while the Columbia remained at anchor in the sound, Captain Gray, in his little sloop of less than a hundred tons, made several excursions north and south along the coast, returning with the furs procured, and transferring them to the Columbia. In these excursions he made important explorations

and was the first navigator to pass between the main land and many islands off the coast. Leaving Kendrick, by agreement, Gray, in the Columbia, proceeded to China, exchanged his furs for a cargo of teas, sailed around the Cape of Good Hope, and across the Atlantic to Boston, thus carrying the American flag for the first time around the world. Meanwhile, Kendrick, in the Washington, made further explorations, and preceded all Europeans in passing through the Straits of Juan de Fuca from one end to the other.

Again, in 1791, was Captain Gray, this time in command of the Columbia, busy exploring the inlets and passages of the north-west coast. In the summer of that year he met with what proved to be a most important success, in finding a great river. This river, in May of the following year, he entered, and for a distance of about twenty miles, carefully explored, bestowing upon it the name of his vessel, which it bears at the present day. The English navigator, Vancouver, had declared, after examining the coast, that there was no river in that part of North America. The discovery of the Columbia and its exploration by Gray, contribute the first element in the United States title to the Oregon region. We have the testimony of the British commander, Mackenzie, that from this time, or a period four or five years later, till 1814, the direct trade between the north west coast of North America and China was almost entirely in the hands of the Americans. These men were called "Yankee adventurers" by the British, for, with "only a few trinkets of little value," they would set out on their voyages. They would "pick up" seal-skins, furs, sandal-wood, sharks' fins, and pearls, and with these things and a few dollars, would purchase cargoes of tea, silks, and nankeens, getting home in two or three years.

We now come to the second element in the United States title to the Oregon region. In January, 1803, President Jefferson sent a message to Congress recommending that certain western explorations should be made. The recommendation having been approved, an expedition was planned and the command of it given to captains Lewis and Clarke. These two men were instructed to explore the Missouri River to its sources, and then "to seek and trace to its termination in the Pacific, some stream which might offer the most direct water communication across the continent." Before, however, they set out, the news came that Napoleon had proposed to sell the Louisiana territory to the United States, and then that the sale and cession had been made. Did the "Louisiana Purchase" extend to the Pacific? Who could answer that question better than President Jefferson himself? In a letter to Mr. Breckenridge, under date of August 12th, 1803, he says: "The boundaries which I deem not admitting question, are the high lands on the western side of the Mississippi, inclosing all its waters; the Missouri, of course." And, thirteen years later, when he was living in retirement at Monticello, and understood the question in the light that all those years had thrown upon it, he helped to prepare a map of the United States. To the map-maker, Mr. Mellish, he wrote a letter in which the following language occurs: "On the waters of the Pacific we can find no claim in right of Louisiana.

If we claim that country at all it must be ‘for other reasons.’” The last link in the chain of other reasons was completed in 1819, as we shall see. As the expedition up the Missouri and thence to the Pacific had been planned without reference to the acquisition of Louisiana, its departure was not delayed because of that acquisition. Lewis and Clarke ascended the river, crossed to the head waters of the Columbia, and, descending that stream for a distance of six hundred miles, in November (1805) reached its mouth. This expedition, says Greenhow, “was an announcement to the world of the intention of the American government to occupy and settle the countries explored, to which certainly no other nation, except Spain, could advance so strong a claim on the ground of discovery or of contiguity.”

The third element in the United States title to the Oregon region was furnished in 1811 by a company whose operations were directed by John Jacob Astor, of New York. Where the city of Astoria, in Oregon, now stands, the company built sheds and a large factory. They also constructed and launched a small vessel, and laid out and planted a vegetable garden. We need not relate the particulars of the events of the next few years connected with the history of Astoria; how, during our second war with England, the place fell into the hands of the enemy, and how after the war, because of a provision in the treaty of Ghent, it was restored to us. Our purpose is accomplished when we state, on evidence that was finally admitted by all parties, that the Astor settlement was the first in all the Oregon region.

No negotiations with any power were begun by the United States for the sovereignty of the Oregon region before the year 1818. In that year it was agreed between our Government and Great Britain, that all the territory west of the Rocky Mountains, claimed by the United States or Great Britain, “should be free and open to the vessels, citizens, and subjects of both for the space of ten years.” It was at no time “asserted by the American government that the United States had a perfect right to that region; it was insisted, however, that their claim was at least good as against Great Britain.”

We now come to the final element in the United States title to the Oregon region. We have shown what claim Spain gained to the country as far north as the fifty-sixth degree of latitude. That claim, certainly to the largest portion of the territory, was indisputable. In 1819, a treaty, commonly called the Florida treaty, was made between Spain and the United States. By that treaty it was agreed that the southern boundary line of the United States, on the west to the Pacific, should be the forty-second parallel of latitude; the king of Spain “ceding to the United States all his rights, claims, and pretensions, to any territory north of said line.” This cession, it is obvious, completed the United States title to the Oregon region. That title, as we have now shown, rests (1st) upon the discoveries and explorations made by Captain Gray; (2nd) the explorations conducted by Lewis and Clarke (3rd) the formation of the Astor establishment, and (4th) the title devise from Spain. The treaty made with Great Britain (in 1846) confirmed our right, and left us in quiet possession of the region.

